

Plaintiff received notice of the final decision of the Commissioner of Social Security on June 28, 2012. Under 42 U.S.C. § 405(g), plaintiff had sixty days from receiving the final notice to file a social security appeal in this Court. In this case, the sixty-day period ended on August 27, 2012. Plaintiff did not submit the instant appeal, however, until November 27, 2012. As a result, the Court will dismiss this action as time-barred. See 28 U.S.C. § 1915(e)(2)(B) (in forma pauperis review); Myers v. Vogal, 960 F.2d 750, 751 (8th Cir. 1992) (“Although the statute of limitations is an affirmative defense, a district court may properly dismiss an in forma pauperis complaint under 28 U.S.C. § 1915[e] when it is apparent the statute of limitations has run.”).

Accordingly,

IT IS HEREBY ORDERED that this action is **DISMISSED** without prejudice.

An Order of Dismissal will be filed with this Memorandum and Order.

Dated this 22nd day of January, 2013.

/s/Jean C. Hamilton

JEAN C. HAMILTON

UNITED STATES DISTRICT JUDGE